

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FEVO, INC.,

Plaintiff,

Case No. 22-cv-10030
Hon. Matthew F. Leitman

v.

SPINZO CORPORATION,

Defendant.

/

**ORDER ON DEFENDANT'S MOTION
TO DISMISS FIRST AMENDED COMPLAINT (ECF #17)**

1. The Court denies without prejudice Defendant's motion to dismiss the First Amended Complaint under Fed. Rule Civ. Proc. 12(b)(2) for lack of personal jurisdiction for the reasons stated on the record during argument on the motion.
2. The Court denies without prejudice Defendant's motion to dismiss the First Amended Complaint under Fed. Rule Civ. Proc. 12(b)(5) for insufficient service of process for the reasons stated on the record during argument on the motion.
3. The Court terminates without prejudice Defendant's motion to dismiss the First Amended Complaint under Fed Rule Civ. Proc. 12(b)(6) for failure to state a claim upon which relief can be granted for the reasons stated on the record during argument on the motion.

4. When announcing its ruling on the motion, the Court directed the parties to conduct limited jurisdictional discovery on the matters described on the record during argument on the motion, and to complete such discovery within 60 days. The parties have since notified the Court that they have reached the following stipulation: (a) Defendant will submit to the specific personal jurisdiction of the Court for this case and waive its sufficiency-of-service challenge; (b) the proceedings shall be stayed for a 60-day period to pursue settlement discussions mediated by Magistrate Judge Grand; (c) if settlement is not achieved within 60 days of the entry of this order, Defendant will thereafter have 7 days to answer the Complaint or renew its motion to dismiss under Fed Rule Civ. Proc. 12(b)(6). The Court accepts the parties' stipulation and adopts it as its order.

IT IS SO ORDERED.

/s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 19, 2023

SO STIPULATED.

Dated: January 19, 2023

/s/ Stephen J. Rosenfeld

JAMES P. MURAFF (IL 6225693)
STEPHEN J. ROSENFELD (IL 6216769)
NICHOLAS A. KURK (IL 6292133)
TIMOTHY J. LOWE (P68669)
Counsel for Plaintiff Fevo, Inc.

/s/ Joseph E. Richottte

JOSEPH E. RICHOTTE (P70902)
Counsel for Defendant Spinzo Corporation

100172888.v1